

Dkt. 40441-CY /JPW/JML

## THE UNITED STATES PATENT AND TRADEMARK OFFICE

Walter P. Carney and Sara J. McKenzie Applicants :

Serial No. :

08/488,180

Examiner : T. Scheiner

Filed

June 7, 1995

Group Art Unit : 1806

For

DETECTION, QUANTIFICATION OF NEU RELATED PROTEINS

IN THE BIOLOGICAL FLUIDS OF HUMANS

1185 Avenue of the Americas New York, New York 10036

October 16, 1997

Assistant Commissioner for Patents Washington, D.C. 20231

BOX: AF

nat 2 1 1997

Sir:

## COMMUNICATION SUPPLEMENTING RESPONSE TO APRIL 2, 1997 OFFICE ACTION

This Communication is submitted to supplement the Amendment in Response to April 2, 1997 Office Action and Petition for a Three-Month Extension of Time which was filed with the United States Patent and Trademark Office on October 2, 1997 in connection with the above-identified application.

On page 8 of the Amendment in Response to April 2, 1997 Office Action, applicants stated that Drebin et al. do not anticipate the claimed invention and that applicants would be submitting a Declaration Under 37 C.F.R. §1.132 which shows that the monoclonal antibody taught in Drebin et al., specifically, the 7.16.4 monoclonal antibody, does not react with human neu protein.

Accordingly, applicants submit herewith as Exhibit A, a copy of a Declaration of Arthur M. Bruskin Under 37 C.F.R. §1.132 signed March 26, 1993, which was originally filed in an application from which the subject application derives, i.e., U.S. Serial No.

Applicants :Walter P. Carney and Sara J. McKenzie

U.S. Serial No. :08/488,180

Filed : June 7, 1995

Page 2

806,112, filed December 12, 1991, now U.S. Patent No. 5,401,638, issued March 28, 1995.

In view of the discussion in the October 2, 1997 Amendment regarding Drebin et al. and the copy of the Declaration submitted herewith, applicants respectfully request that the Examiner reconsider and withdraw the rejections of pending claims 13-24.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone him at the number provided below.

No fee is deemed necessary in connection with the filing of this Supplemental Amendment. However, if any additional fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:
Assistant Commissioner for Patents,

Washington, D.C. 20231.

ohn P. White leg. No. 28,678

Date

John J. White Registration No. 28,678 Attorney for Applicants Cooper & Dunham LLP 1185 Avenue of the Americas New York, New York 10036

(212) 278-0400